

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:11 CR 49 CDP
)
GARY VEHLEWALD,)
)
Defendant.)

MEMORANDUM AND ORDER

This case is currently set for trial on March 5, but defense counsel has requested a continuance. I will continue the trial until March 7, and set a final pretrial conference the day before, on March 6. Also pending are several pretrial motions.

Defendant made an oral motion to suppress in March of 2011. He later notified the Magistrate Judge to whom the motions were referred that he had decided not to raise any issues for suppression. The Magistrate Judge entered a Recommendation that I deny the motion as moot, and defendant has not objected to that Recommendation. I will therefore adopt it and deny the oral motion as moot.

After the arraignment on the superseding indictment, defendant filed a motion for discovery. The government responded that it had produced what

was required by the Federal Rules, and that counsel had met and conferred and defendant had no further issues. I will therefore deny the defendant's motion as moot. I previously ordered the government to make early production of any *Jencks* materials, and that order, of course, remains in effect.

Accordingly,

IT IS HEREBY ORDERED that the Recommendation of the United States Magistrate Judge David D. Noce [#42] is adopted, and defendant's oral motion to suppress [#24] is denied as moot.

IT IS FURTHER ORDERED that defendant's motion for discovery [#58] is denied as moot, except that the government is required to produce any *Jencks* material no later than the close of business on February 29, 2012.

IT IS FURTHER ORDERED that defendant's motion for a continuance is granted and the trial of this matter will begin on Wednesday, March 7, 2012 at 8:30 a.m.

IT IS FURTHER ORDERED that a final pretrial hearing will be held on Tuesday, March 6, 2012 at 2:30 p.m. Defendant's presence is required. Counsel must be prepared to discuss any expected evidentiary issues, including admissibility of expert testimony, electronically recorded evidence, potential Rule 404(b) evidence, any summary charts to be offered pursuant to Rule 1006,

and any other issues expected evidentiary or scheduling issues.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 26th day of January, 2012.